



Certification Page Regular and Emergency Rules

Revised September 2016

Emergency Rules *(After completing all of Sections 1 through 3, proceed to Section 5 below)*

Regular Rules

1. General Information

a. Agency/Board Name Secretary of State			
b. Agency/Board Address 2020 Carey Ave; 6th Floor		c. City Cheyenne	d. Zip Code 82002-0020
e. Name of Agency Liaison Thomas Cowan		f. Agency Liaison Telephone Number (307) 777-5348	
g. Agency Liaison Email Address tom.cowan@wyo.gov		h. Adoption Date January 12, 2017	
i. Program Rules on Rules For State Agencies			

2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No. Yes. Please provide the Enrolled Act Numbers and Years Enacted: **2014 HEA31**

3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.

(Please use the Additional Rule Information form for more than 10 chapters and attach it to this certification)

Chapter Number:	Chapter Name:	<input checked="" type="checkbox"/> New	<input checked="" type="checkbox"/> Amended	<input type="checkbox"/> Repealed
1	Purpose, Definitions, General Filing Provisions, and Copies of Rules	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Formatting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Types of Rules Filings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. State Government Notice of Intended Rulemaking

a. Date on which the Proposed Rule Packet (consisting of the Notice of Intent as per W.S. 16-3-103(a), Statement of Principal Reasons, strike and underscore format and a clean copy of each chapter of rules were: **NA**

- approved as to form by the Registrar of Rules; and
- provided to the Legislative Service Office and Attorney General:

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice No. Yes. N/A

b. A public hearing was held on the proposed rules. No. Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

c. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:
The new Administrative Rules System For State Agencies was implemented under Emergency Rules filed September 23, 2016. Those Emergency Rules expire on January 21, 2017. The public comment period on Proposed Rules on Rules ended January 6, 2017; however, Final Rules will not be completed and filed before the Emergency Rules expire. Therefore, a second set of Emergency Rules is required to be in place on January 21, 2017 through and until the filing of the Final Rules on Rules.

5. Final Filing of Rules

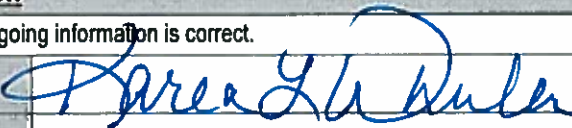
a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature: **January 13, 2017**

b. Date on which final rules were approved as to form by the Secretary of State and sent to the Legislative Service Office:

c. The Statement of Reasons is attached to this certification.

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual	
Printed Name of Signatory	Karen L. Wheeler
Signatory Title	Deputy Secretary of State
Date of Signature	January 12, 2017

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

Wyoming Secretary of State

Ed Murray
Secretary of State



Karen L. Wheeler
Deputy Secretary of State

TO: The Honorable Matt Mead, Governor

FROM: Karen L. Wheeler, Deputy Secretary of State

DATE: January 12, 2017

SUBJECT: **EMERGENCY RULES:** Secretary of State, Rules on Rules For State Agencies
Chapter 1 -- Purpose, Definitions, General Filing Provisions, and Copies of Rules
Chapter 2 -- Formatting
Chapter 3 -- Types of Rules Filings

PRIORITY: HIGH – Emergency Rules are required by **January 20, 2017**

SUMMARY: The Legislature in 2014 HEA 31 required the development of an updated and modernized state rules data base system that provides the public and state agencies easy access to proposed, emergency and final rules. That system was implemented on September 26, 2016 under Emergency Rules.

Insufficient time remains on the first Emergency Rules presently in place to complete the promulgation of Final Rules on Rules. Public comment on the Proposed Rules on Rules has been completed; however, the final adopted rules must still be reviewed by LSO, the Governor and be filed. The Emergency Rules currently in place expire on January 21, 2017. A second set of Emergency Rules is necessary to extend Rules on Rules coverage through the filing of the Final Rules on Rules.

Agency Contact Name: Thomas Cowan

Agency Contact At: (307) 777-5348
tom.cowan@wyo.gov

GOVERNOR'S RESPONSE OPTIONS:

_____ Proceed With Filing Emergency Rules (Agency may proceed)

_____ Delay Emergency Rule Filing and Set up Meeting With:

Governor's Counsel

STATEMENT OF REASONS FOR ADOPTION OF EMERGENCY RULES

SECRETARY OF STATE

RULES ON RULES FOR STATE AGENCIES

CHAPTERS 1-3

House Enrolled Act 31 (2014) requires the development of an updated and modernized state rules data base system that provides the public and state agencies easy access to proposed, emergency and final rules. The enabling legislation for the new Administrative Rules System requires delivery of rule availability to the public at no charge through the Internet, electronic submission of agency and public comments and electronic filing of administrative rules. That modernized system was implemented in September 2016 under Emergency Rules on Rules.

The Secretary of State published notice of Proposed Rules on November 18, 2016 for new and amended Rules on Rules. Public comment on the Proposed Rules on Rules closed on January 6, 2017. The first set of Emergency Rules on Rules filed September 23, 2016, will expire prior to the Final Rules on Rules being completed and filed. Thus, a second set of Emergency Rules similar to the first are required until the Final Rules on Rules are effective.

The second set of Emergency Rules will temporarily replace existing Rules on Rules, Chapter 1, filed on 12/15/2011 until the Final Rules on Rules are effective. The 2011 version of the Rules on Rules contains eleven sections each addressing a different aspect of rule filing under the Administrative Procedure Act. The 2011 Rules on Rules generally mandate filing procedures based on distribution of paper copies and indexing using the former Microsoft Access Database. To accommodate the new system's requirements, the second set of Emergency Rules on Rules have been organized, as were the first set of Emergency Rules, into the following chapters:

Chapter 1 – Purpose, Definitions, General Filing Provisions, and Copies of Rules. This chapter incorporates many of the provisions and definitions of the former chapter 1. It includes new language regarding agencies, programs and chapter modifications, and it sets forth general filing provisions pertinent to the new rules system.

Chapter 2 – Formatting. New chapter 2 pulls relevant formatting requirements from old chapter 1 and places them into a separate chapter. It provides information to facilitate electronic filing. A clearer template of rule layout is provided, and provisions addressing embedded tables, images, drawings, and appendices have been added.

Chapter 3 – Types of Rules Filings. Keeping the existing rule filing types, Chapter 3 provides the electronic file content and file type required to be uploaded into the new system for each type of rule filing. The rule files required are presently prepared for the existing system, so no new requirements for new files are created.

**Purpose, Definitions, General Filing Provisions, and Copies of Rules
Chapter 1**

**Emergency rules are in effect no longer than 120 days after filing
with the Secretary of State.**

Section 1. Statement of Purpose. As the Registrar of Rules, the Secretary of State is establishing requirements for rule formatting, definition of terms, initial processes for rule promulgation, and rule filing under the Administrative Procedure Act, W.S. 16-3-101 through 16-3-106.

Section 2. Definitions. The definitions in W.S. 16-3-101(b) shall apply to these rules. The following definitions shall also apply:

(a) “Amended” means a proposed regular rule that alters all or part of a current rule. An Amended rule may or may not be a New Rule.

(b) “Chapter” means a grouping of rule sections having a common subject matter under a single program.

(c) “Created” means a proposed regular rule that does not currently exist.

(d) “Cumbersome” means:

(i) Any document over ten (10) pages; and/or

(ii) Any document where formatting the incorporated material would cause the agency to purchase special software and/or incur unreasonable amounts of staff time to prepare including documents containing graphics, tables, drawings, equations, scientific nomenclature, special symbols or non-Arabic numerals.

(e) “Current” means the regular rule which is presently in effect.

(f) “Date of Adoption” means the date the agency adopts rules. If the agency is a board or commission, the date of adoption means the date of the public meeting where the board or commission adopts rules.

(g) “Emergency Rule” means a temporary rule promulgated pursuant to W.S. 16-3-103 (b).

(h) “Filed” means the date the rule was accepted and made effective by the Registrar of Rules.

(j) “Final” means a regular rule that has been certified by the Governor and has been filed with the Registrar of Rules.

(k) “New” means a proposed regular rule that is promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking.

(m) “Program” means a grouping of rules all having a common subject matter or jurisdiction and belonging to a single agency, board or commission.

(n) “Regular Rule” means a final rule promulgated pursuant to W.S. 16-3-103.

(o) “Repealed” means a rule which has been removed with re-enactment (or replacement) in a different chapter, program, or agency; or without replacement. The existing rule shall be stricken through in a way to illustrate the entire chapter is being repealed and enables the public to clearly read the full text of the rule the agency proposes to repeal.

(p) “Rules” means rules and regulations.

(q) “Statement of Reasons” means a brief and concise statement of the principal reason(s) for the adoption of a rule, which explains either the terms or substance of the proposed rule or a description of the subjects and issues involved and which meets the requirements of *Tri-State Generation & Transmission Ass’n v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979).

(r) “Strike and Underscore Copy” is an electronic file containing the rule with additions to language marked with a single-line underscore and deletion of existing language marked with a single-dash strike-through.

(s) “Superseded” means a final rule which has been amended by a current rule relating to the same general subject matter.

Section 3. Agency, Program, Chapter Modifications.

(a) Agencies create and name their own programs and chapters within programs.

(b) In order to avoid public confusion, it is the Agency’s responsibility to ensure that programs and their related chapters of rules maintain similar subject matter content and/or are a logical outgrowth of that content.

(c) Programs may:

(i) Be moved from one Agency to another due to statutory changes or reorganization of government.

(A) The current rule chapters of a program being moved shall be repealed by filing a Proposed Rule Packet; and

(B) The current rule chapters shall be new rules filed under the surviving Agency and Program.

(ii) Have their rules repealed and a new program created if programs merge, are changed, or if such change would create efficiency for the agency or reduce numbers or length of rules.

(A) The current rule chapters of a program being changed shall be repealed by filing a Proposed Rules Packet; and

(B) Proposed rules shall be filed under the surviving Program clearly setting forth the program and chapter changes.

(d) Once a chapter number has been repealed, it cannot be reused.

(e) Agencies may reserve chapter numbers for future use by utilizing the regular rule making process.

Section 4. General Filing Provisions.

(a) State agency rules shall be filed with the Registrar of Rules on the Administrative Rules System. All forms shall be mandatory, unless specified otherwise, and are found on the Secretary of State's website: <http://sos.wyo.gov> or <http://rules.wyo.gov>.

(b) An agency promulgating rules shall use the Wyoming Administrative Rules System to enter all rules:

(i) Proposed Rules Packet;

(ii) Final Rules Packet;

(iii) Emergency Rules Packet; and

(iv) Withdrawals of Proposed Rules.

(c) Complete packets shall be delivered by the system electronically to the Governor, the Legislative Service Office, and the Attorney General, upon verification for filing by the Registrar of Rules.

(d) No rule shall include a table of contents, title page, or index in the PDF or Word (.docx) file in any rule packet. Rules posted to this system notwithstanding, agencies may include tables of content, title pages and an index if separately listing rules on their agency website or publishing their rules.

(e) An Agency shall submit the entire rule chapter even if only a section is being amended.

Section 5. Copies of Rules.

(a) Interested persons may obtain a certified copy of any Official Rule from the Registrar of Rules upon written request and payment of a copy fee as set forth in W.S. 9-1-305.

(b) The official copy of a state Agency's rules shall be that which is obtained from the Registrar of Rules website at <http://rules.wyo.gov>.

~~WYOMING SECRETARY OF STATE
RULES ON RULES~~

Purpose, Definitions, General Filing Provisions, and Copies of Rules
Chapter 1

Emergency rules are in effect no longer than 120 days after filing
with the Secretary of State.

~~Section 1. **Authority.**~~

~~(a) — The Secretary of State, as registrar of rules, is authorized to promulgate Rules governing:~~

~~(i) — The format for notices of intended rulemaking, W. S. 16-3-103(g);~~

~~(ii) — The format for state agencies to follow in preparing proposed Amendments to existing rules, W. S. 16-3-103(f);~~

~~(iii) — The format and manner of filing final rules, W. S. 16-3-104(c).~~

~~(b) — These rules define the process and format for rulemaking. All forms are mandatory and can be found at the Secretary of State's website, <http://soswy.state.wy.us>. No other forms are permitted.~~

Section 1. Statement of Purpose. As the Registrar of Rules, the Secretary of State is establishing requirements for rule formatting, definition of terms, initial processes for rule promulgation, and rule filing under the Administrative Procedure Act, W.S. 16-3-101 through 16-3-106.

Section 2. Definitions. The definitions in W.S. 16-3-101(b) shall apply to these rules. The following definitions shall also apply:

(a) "Amended" means a proposed regular rule that alters all or part of a current rule. An Amended rule may or may not be a New Rule.

(b) "Chapter" means a grouping of rule sections having a common subject matter under a single program.

(c) "Created" means a proposed regular rule that does not currently exist.

(d) "Cumbersome" means:

- (i) Any document over ten (10) pages; and/or
- (ii) Any document where formatting the incorporated material would cause the agency to purchase special software and/or incur unreasonable amounts of staff time to prepare including documents containing graphics, tables, drawings, equations, scientific nomenclature, special symbols or non-Arabic numerals.
- (e) “Current” means the regular rule which is presently in effect.
- (f) “Date of Adoption” means the date the agency adopts rules. If the agency is a board or commission, the date of adoption means the date of the public meeting where the board or commission adopts rules.
- (g) “Emergency Rule” means a temporary rule promulgated pursuant to W.S. 16-3-103 (b).
- (h) “Filed” means the date the rule was accepted and made effective by the Registrar of Rules.
- (j) “Final” means a regular rule that has been certified by the Governor and has been filed with the Registrar of Rules.
- (k) “New” means a proposed regular rule that is promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking.
- (m) “Program” means a grouping of rules all having a common subject matter or jurisdiction and belonging to a single agency, board or commission.
- (n) “Regular Rule” means a final rule promulgated pursuant to W.S. 16-3-103.
- (o) “Repealed” means a rule which has been removed with re-enactment (or replacement) in a different chapter, program, or agency; or without replacement. The existing rule shall be stricken through in a way to illustrate the entire chapter is being repealed and enables the public to clearly read the full text of the rule the agency proposes to repeal.
- (p) “Rules” means rules and regulations.
- (q) “Statement of Reasons” means a brief and concise statement of the principal reason(s) for the adoption of a rule, which explains either the terms or substance of the proposed rule or a description of the subjects and issues involved and which meets the requirements of *Tri-State Generation & Transmission Ass’n v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979).

(r) “Strike and Underscore Copy” is an electronic file containing the rule with additions to language marked with a single-line underscore and deletion of existing language marked with a single-dash strike-through.

(s) “Superseded” means a final rule which has been amended by a current rule relating to the same general subject matter.

~~(a) — The definitions in W. S. 16-3-101(b) apply to these Rules.~~

~~(b) — Additional definitions include:~~

~~(i) — “Amended rule” means a rule that replaces in whole or in part an existing rule, or adds to a existing rule. An Amended rule may or may not be a New Rule.~~

~~(ii) — “Cumbersome,” as used in W.S. 16-3-103(h), means any document over ten (10) pages.~~

~~(iii) — “Date of Adoption” means the date the person authorized by the state agency adopts the rules or the board or commission at a public meeting adopts the rules following the public comment period.~~

~~(iv) — “Electronic Copy” means a copy of a document transmitted by electronic mail which is identical to the hard copy, printed version and shall be transmitted in a “portable document format” (PDF).~~

~~(v) — “Emergency rule” means a temporary rule adopted, amended or repealed pursuant to W. S. 16-3-103(b).~~

~~(vi) — “Final Rules” mean rules that have been certified by the Governor’s Office and have been filed with the Secretary of State.~~

~~(vii) — “New rule” means a nonemergency rule that is promulgated in response to, whether or not mandated by, an enactment of the Wyoming Legislature and which addresses the entire enactment or any portion of the enactment that prior nonemergency rules have not addressed. A new rule may involve creation of an entirely new provision in the agency’s rules or may include the repeal or amendment of an existing rule. A “new rule,” for purposes of this definition, only applies to rules adopted following a new enactment passed by the Wyoming legislature and does not include rules adopted in response to a federal mandate or other reason.~~

~~(viii) — “Regular rule” means a rule adopted under the public notice requirements of W.S. 16-3-103 other than an emergency rule or a new rule.~~

~~(ix) —“Repealed rule” means a rule which has been specifically repealed by a later rule.~~

~~(x) —“Rules” means rules and regulations.~~

~~(xi) —“Statement of Reasons” means a brief and concise statement of the principal reason(s) for the adoption of a rule, which explains either the terms or substance of the proposed rule or a description of the subjects and issues involved and which meets the requirements of *Tri State Generation & Transmission Ass’n v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979).~~

~~(xii) —“Superseded rule” means a rule which has been amended or replaced by a later rule relating to the same general subject matter.~~

Section 3. Agency, Program, Chapter Modifications.

(a) Agencies create and name their own programs and chapters within programs.

(b) In order to avoid public confusion, it is the Agency’s responsibility to ensure that programs and their related chapters of rules maintain similar subject matter content and/or are a logical outgrowth of that content.

(c) Programs may:

(i) Be moved from one Agency to another due to statutory changes or reorganization of government.

(A) The current rule chapters of a program being moved shall be repealed by filing a Proposed Rule Packet; and

(B) The current rule chapters shall be new rules filed under the surviving Agency and Program.

(ii) Have their rules repealed and a new program created if programs merge, are changed, or if such change would create efficiency for the agency or reduce numbers or length of rules.

(A) The current rule chapters of a program being changed shall be repealed by filing a Proposed Rules Packet; and

(B) Proposed rules shall be filed under the surviving Program clearly setting forth the program and chapter changes.

(d) Once a chapter number has been repealed, it cannot be reused.

(e) Agencies may reserve chapter numbers for future use by utilizing the regular rule making process.

Section 3. General Provisions.

~~(a) — The Secretary of State may refuse to accept for filing any rule that does not conform to the formats prescribed by these rules.~~

~~(b) — After filing rules with the Secretary of State, an agency may not file changes to the rules due to typos, errors or reorganization of text unless there is clearly on change of meaning. Moving text from one chapter to another (under this Section) is disallowed. Agencies must consult with their Attorney General representative regarding whether changes to the rules may be filed pursuant to Section 3. _____~~

~~(c) — If the name of the agency or department is changed by statute, replacement rules for the purpose of name change only may be filed without going through the entire rulemaking process.~~

~~(d) — If the address of the agency or department changes, replacement rules for the purpose of address change only may be filed without going through the entire rulemaking process.~~

~~(e) — If a website or email address within a rule changes, replacement rules for the purpose of address changes only may be filed without going through the entire rulemaking process.~~

~~(f) — Any rules that are submitted to the Secretary of State's Office pursuant to Section 3 must be filed with:~~

~~(i) — An "Explanation of Changes" form, which includes:~~

~~(A) — A brief explanation of the changes and reasons; and~~

~~(B) — The agency director's or chairperson's and the Attorney General's Office's written verification, in blue ink, that the changes do not change the meaning.~~

~~(g) — Rules that are submitted pursuant to Section 3 must contain the entire chapter, not just the page with the correction, and must be submitted electronically to the Secretary of State's Office in PDF format, at rules@wyo.gov~~

Section 4. General Filing Provisions.

(a) State agency rules shall be filed with the Registrar of Rules on the Administrative Rules System. All forms shall be mandatory, unless specified otherwise, and are found on the Secretary of State's website: <http://sos.wyo.gov> or <http://rules.wyo.gov>.

(b) An agency promulgating rules shall use the Wyoming Administrative Rules System to enter all rules:

- (i) Proposed Rules Packet;
- (ii) Final Rules Packet;
- (iii) Emergency Rules Packet; and
- (iv) Withdrawals of Proposed Rules.

(c) Complete packets shall be delivered by the system electronically to the Governor, the Legislative Service Office, and the Attorney General, upon verification for filing by the Registrar of Rules.

(d) No rule shall include a table of contents, title page, or index in the PDF or Word (.docx) file in any rule packet. Rules posted to this system notwithstanding, agencies may include tables of content, title pages and an index if separately listing rules on their agency website or publishing their rules.

(e) An Agency shall submit the entire rule chapter even if only a section is being amended.

~~Section 4. **Content and Filing Requirements for Notice of Intent.**~~

~~(a) The Notice of Intent to engage in rulemaking shall include all of the information required by W.S. 16-3-103(a)(i).~~

~~(b) The mandatory Notice of Intent form is available on the Secretary of State's website.~~

~~(c) The Statement of Reasons shall be attached to the Notice of Intent form provided by the Secretary of State and which is available on the Secretary of State's website.~~

~~(d) The Notice of Intent must be filed electronically with the Secretary of State. The copy shall be sent by electronic mail to the Secretary of State's Office at rules@wyo.gov. A hard copy of the notice must be sent to the Attorney General and the Legislative Service Office.~~

Section 5. Copies of Rules.

(a) Interested persons may obtain a certified copy of any Official Rule from the Registrar of Rules upon written request and payment of a copy fee as set forth in W.S. 9-1-305.

(b) The official copy of a state Agency's rules shall be that which is obtained from the Registrar of Rules website at <http://rules.wyo.gov>.

~~Section 5. Proposed Rules.~~

~~(a) Rules that propose to amend existing rules shall be prepared in the following format:~~

~~(i) New language added to existing language shall be underscored;~~

~~(ii) Deletions of existing language shall be shown by striking through the deleted language;~~

~~(iii) If amendments are pervasive, strike and underscore are not required, but are still preferred. If strike and underscore are not used:~~

~~(A) Approval from the Attorney General's Office must be stated on the Notice of Intent form; and~~

~~(B) The Statement of Reasons or other accompanying documents must clearly show the type of changes made and specifically include all substantive deletions and additions with appropriate citations to the sections affected.~~

~~(b) Proposed rules and the Statement of Reasons must be sent to the Governor's Office for initial approval a minimum of ten (10) working days prior to the start of the public comment period. Upon approval from the Governor's Office:~~

~~(i) Agencies may publish the rules for public comment;~~

~~(ii) A hard copy of the proposed rules in strike and underscore format and the Statement of Reasons must then be sent to the Legislative Service Office and the Attorney General's Office.~~

~~(c) The Notice of Intent of the rulemaking proceedings must be mailed to all persons who have requested advance notice. A copy of the proposed rules must be made available to all persons upon request.~~

~~(d) Proposed rules shall not be submitted to the Secretary of State.~~

~~Section 6. Format for Final Rules Submitted for Filing.~~

~~(a) Form in Which Rules Shall be Prepared.~~

~~(i) The regular rules shall be printed with black type on 8 ½" by 11" white paper.~~

~~(ii) Emergency rules shall be printed with black type on 8 ½" by 11" colored paper.~~

~~(iii) Margins shall be 1" at the top and 1 ¼" at the left, right and bottom.~~

~~(iv) The rules shall be single spaced with double spaces between paragraphs.~~

~~(v) All rules must be copied back to back and head to head. Each chapter shall be copied so that page 1-2 is always on the back of 1-1, etc.~~

~~(vi) Pages of the text shall be numbered, starting with Arabic numeral 1, centered ½" from the bottom of the page. The page numbering should include the chapter number and the page number. EXAMPLE: Chapter 3, page 6 would be listed as 3-6. Appendices shall be numbered using an upper case Arabic letter, followed by a "" and then by an Arabic number (example: A 1).~~

~~(vii) Copies sent electronically to the Secretary of State's Office must follow the required formats in Section 6, except for the printing on colored paper for emergency rules and the copying back to back and head to head.~~

~~(b) Arrangement of Rules. Arrangement of rules shall be in the following format:~~

EXAMPLE
Chapter 1

~~Section 1. Sample. The first or only section in a rule shall be identified as Section 1, and any following sections shall be identified by Arabic numerals in sequence. Continue the second line of each paragraph or subdivision all the way back to the left margin.~~

~~In order to follow the format of the statutes:~~

~~(a) Subsections (divisions of sections) shall be identified by lower case letters in parentheses as: (a), (b), (c), etc. Each subsection shall be indented to the next tab.~~

~~(i) Paragraphs~~

~~_____ (A) Subparagraphs~~

~~_____ (I) Subdivisions of subparagraphs — upper case Roman numbers~~

~~_____ (1.)~~

~~_____ a.~~

~~_____ (c) When an agency amends a rule, it may choose to publish for public comment only the section being amended. However, when submitting proposed rules and final rules to the Governor, Attorney General’s Office, Legislative Service Office and the Wyoming Secretary of State’s Office, it shall submit the entire chapter. The electronic copy must also include the entire chapter. Agencies must also submit the final amended rules in a strike and underscore format to the Governor, the Legislative Service Office, and the Attorney General, except as provided under Section 5(a) above.~~

~~_____ Section 7. Process for Filing Final Rules.~~

~~_____ (a) Final rules must be submitted for filing with the Secretary of State’s Office within seventy five (75) days of the date the rules are adopted. Any rule that is not timely filed does not become effective, and the agency, board or commission must begin the rulemaking process again.~~

~~_____ (i) Agencies submit the rules package to the Attorney General who will then forward them to the Governor for signature. The package of rules shall include:~~

~~_____ (A) The appropriate Certification Page, which includes the Statement of Reasons as part of that form. This form can be found on the Secretary of State’s web page;~~

~~_____ (B) Original authorized signatures in blue ink of the agency head, commission or board on the Certification Form;~~

~~_____ (C) Summary of comments. If no comments were received, the summary should say, “No comments were received”;~~

~~_____ (D) A clean copy of the final rules; and~~

~~_____ (E) A strike and underscore copy of the final rules.~~

~~_____ (ii) After the Governor has signed the Certification Page, the Attorney General’s Office shall deliver the Certification Page to the Secretary of State’s Office.~~

~~_____ (iii) Agencies must submit a clean copy of the final rules electronically~~

to the Secretary of State's Office in PDF format at rules@wyo.gov. The Secretary of State's Office will accept the PDF copy of the rules at any time but will only officially file the rules after the Attorney General's Office has delivered the signed Certification Page. A hard copy of the Rules is not submitted to the Secretary of State.

~~_____ (iv) Although Agencies may have a Table of Contents for their rules, the Table of Contents is not a part of the formal rules and will not be posted on the Rules Website.~~

~~_____ (v) Agencies must also submit the entire rule package in hard copy and electronic format (PDF) to the Legislative Service Office within ten (10) days of the agency's action adopting the rules. The electronic copy shall be delivered to lso@wyoleg.gov.~~

~~_____ Section 8. **Copies of Rules.** The Secretary of State, upon request and payment of a fee, will furnish copies of a rule or rules which have been filed as prescribed by law. Each state agency may publish its own rules in a pamphlet or a booklet and make them available to the public. Rules may also be obtained by accessing the Secretary of State's web page.~~

~~_____ Section 9. **Exemptions.**~~

~~_____ (a) Optional Provisions for Federal and Model Rules. If an agency administers federal programs or wants to adopt model rules and regulations, it may adopt the entire federal rules and regulations or model rules. It may opt to, but is not required to, file those rules in the federal or model format rather than putting them in state format. If an agency uses this exemption, it must file a summary page of changes with the proposed rules.~~

~~_____ If an agency chooses this option, it must:~~

~~_____ (i) Be adopting an **entire** portion of the federal regulations (segmented parts of rules listing state exceptions are NOT acceptable);~~

~~_____ (ii) Be in the standard federal regulation format; and~~

~~_____ (iii) Be filed on 8 ½" x 11" paper.~~

~~_____ (b) An agency may incorporate by reference all or any part of a code, standard, rule or regulation that has been adopted by an agency of the United States or of this state, another state or by a nationally recognized organization or association, as permitted by W. S. 16-3-103(h), provided:~~

~~_____ (i) The agency follows all procedures to adopt, amend or repeal this rule each time the original document is amended or repealed; and~~

~~_____ (ii) The agency fully identifies the location where the public may view the rule (i.e. website address or library or agency address and phone number where one can view a~~

copy) and when the website changes, the agency amends the rules in accordance with Section 3.

~~(c) Occasionally, federal and model rules are amended to correct minor typographical and punctuation errors. State agencies that have adopted the federal or model rules or that have incorporated the federal or model rules by reference may file the changes to the rules in accordance with Section 3, by filling and Explanation of Changes form with the Secretary of State.~~

~~(d) Agencies Exempt from the Rule Making Provisions of the Administrative Procedure Act or Differently Regulated. The following is a listing of agencies whose guiding statutes provide exemptions or alternative direction regarding rule making procedures:~~

~~(i) Department of Corrections pursuant to W. S. 25-1-105(a);~~

~~(ii) Board of Parole pursuant to W. S. 7-13-402 (f);~~

~~(iii) Wyoming Business Council pursuant to W. S. 9-12-103; and~~

~~(iv) The Governor's Office, Rules for Good Time Allowance, pursuant to W. S. 7-13-420.~~

~~These agencies should consult their Attorney General representative regarding rules. Their rules must be filed with the Secretary of State using the Certification Page for Rules of Agencies Alternate from the APA, which can be found at the Secretary of State's website at <http://soswy.state.wy.us> These rules will be available in electronic format only if the agency files its rules in accordance with the Rules on Rules format.~~

~~Section 10. **Filing Rules That Have Been Line Item Vetoed by the Governor. (W.S. 16-3-103(d) and 16-3-104(a)).**~~

~~(a) When an agency receives a returned rules package containing line item vetoes, it must redraft the approved portion of the rule and return the corrected rules in hard copy in clean format to the Attorney General. If the agency has prefiled its rules with the Secretary of State's Office, it must electronically resend a corrected PDF copy to the Secretary of State for filing with an explanation attached. Upon delivery of the Certification Page by the Attorney General's Office, the rules will be filed by the Secretary of State's Office.~~

~~(b) Rules that have been line item vetoed must be filed within seventy five (75) days of the original date of adoption.~~

~~Section 11. **Expiration of Emergency Rules.**~~

~~_____ (a) _____ As provided by W. S. 16-3-103(b) and 16-3-104(b)(ii), an emergency rule is effective for no longer than one hundred twenty (120) days after filing with the Secretary of State. Pages containing emergency rules will not be filed as replacement pages for permanent rules but will be filed as a supplement to the permanent rules and be removed at the end of one hundred twenty (120) days.~~

~~_____ (b) _____ Emergency rules may be readopted for an additional 120 day period. Emergency rules that are identical or substantially similar shall not be effective for a total period of more than two hundred forty (240) days.~~

~~_____ (c) _____ Emergency rules will include the following statement directly below the Chapter Title:~~

~~_____ (i) _____ "Emergency rules are no longer in effect 120 days after filing with the Secretary of State."~~

Chapter 2 Formatting

Emergency rules are in effect no longer than 120 days after filing With the Registrar of Rules.

Section 1. Format of Rules. The Registrar of Rules may refuse to accept any rule for filing that does not conform to the formats prescribed by these rules. Rules shall be formatted as follows:

- (a) The first page of every chapter shall contain the chapter number and chapter title centered at the top of the page.
- (b) The bottom, top, left, and right margins of every page shall be one (1) inch.
- (c) The rules shall be single-spaced with double spaces between paragraphs and be left justified.
- (d) Page numbers shall appear on every page in the bottom center beginning with the chapter number followed by a hyphen and the page number for each page.
- (e) The clean Word version shall not contain header or footer information with the exception of page numbers.
- (f) The PDF version of the rule shall be a direct conversion from the Word document.
- (g) Text font shall be Calibri or Times New Roman and a 12 point font size, black type.
- (h) Text on the second and subsequent lines following a Section, Sub-section, Paragraph, Subparagraph, etc. shall wrap back to the left margin;
- (j) When referencing a state statute use "Wyoming Statute" only on the first occurrence in the chapter with the abbreviated reference "W. S." following thereafter.
- (k) Arrangement of rules shall be in the following format:

1" margin
↓

Calibri 12pt
or
New Times Roman 12pt

single space
double space

- 1 tab -- Section #, Section Title.
- 1 tab -- (a) -1 tab -- Subsection
- 2 tab -- (i) -1 tab -- Paragraphs
- 3 tab -- (A) -1 tab -- Subparagraphs
- 4 tab -- (l) -1 tab -- Subdivision of subparagraphs
- 5 tab -- (1.) -1 tab -- Additional Numbering
- 6 tab -- a. -1 tab -- Additional Numbering
- 7 tab -- 1. -1 tab -- Additional Numbering

1" margin
→

←
1" margin

1" margin
↑

Chapter Number
↓
Page Number
↓
1-1
↑
1/2 inch
↓

Section 2. Embedded Tables. Rules may contain tabular data when use clarifies or gives series of numbers or symbols clear meaning.

(a) When creating tables, any of the following formats are permitted:

- (i) Word's table functionality;
- (ii) Excel's table functionality; or
- (iii) Images.

(b) Tables, if imbedded in rule text, shall repeat the header row if the tabular data extends past a single page, and the header row shall appear at the top of every page on which the table appears.

(c) If tables are embedded in rules, there may be loss of clarity or fidelity during HTML rendering which may create difficulty in viewing tables.

Section 3. Images and Drawings. Rules may contain images and technical drawings necessary to provide information to the reader.

(a) Images and technical drawings shall be included by reference whenever possible.

(b) If images or drawings are embedded in rules, they shall be letter sized, 8 ½ inches by 11 inches utilizing portrait layout whenever possible. Landscape may be used. There may be loss of clarity or fidelity during HTML image rendering which may create difficulty in viewing images or drawings on the web. It is recommended that the PDF file be viewed in that instance.

Section 4. Appendices. Appendices shall either:

(a) Be incorporated as part of the rule chapter to which they apply; or

(b) Be submitted as a separate chapter of rules having a sequential chapter number and an appropriate chapter name.

Section 5. Exemptions.

(a) An agency may incorporate by reference all or any part of a code, standard, rule or regulation that has been adopted by an agency of the United States, this state, another state or by a nationally recognized organization or association, as permitted by W. S. 16-3-103(h), provided:

(i) The agency follows all procedures to adopt, amend, or repeal the rule each time the agency wants to incorporate or adopt a newer or revised edition of the incorporated matter or repeal the incorporated matter; and

(ii) The agency follows and complies with all requirements in W.S. 16-3-103(h).

(b) When federal and model rules are amended to correct non-substantive typographical errors; spelling/grammatical errors; agency name changes; and/or address, telephone, URL or email address changes; state agencies that have adopted the federal or model rules or have incorporated those rules by reference may file the changes to the rules by filling a Non-Substantive Corrections, Explanation of Changes form with the Registrar of Rules as per Chapter 3, Section 3.

Chapter 2
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Chapter Number
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(b) When federal and model rules are amended to correct non-substantive typographical errors; spelling/grammatical errors; agency name changes; and/or address, telephone, URL or email address changes; state agencies that have adopted the federal or model rules or have incorporated those rules by reference may file the changes to the rules by filling a Non-Substantive Corrections, Explanation of Changes form with the Registrar of Rules as per Chapter 3, Section 3.

Types of Rules Filings
Chapter 3

**Emergency rules are in effect no longer than 120 days after filing
with the Secretary of State.**

Section 1. Proposed Rules. Required rule documents that propose to create, amend, or repeal existing rules shall be sent to the Governor’s Office for initial approval a minimum of ten (10) working days prior to filing the proposed rules with the Registrar of Rules. Upon approval from the Governor’s Office:

- (a) An agency promulgating rules shall use the Administrative Rules System to submit their proposed rules consisting of:
 - (i) Proposed Rules Packet PDF containing the:
 - (A) Notice of intent to promulgate rules;
 - (B) Statement of principal reasons for adoption of rules;
 - (C) Clean copy of each proposed rule chapter; and
 - (D) Strike and underscore copy of each proposed rule chapter.
 - (ii) Word (.docx) copy of the strike and underscore copy of each proposed rule chapter.
- (b) When the proposed rule packet receives approval as to form by the Registrar of Rules:
 - (i) The packet shall be immediately delivered, via the Administrative Rules System, to the Governor, Attorney General, and Legislative Service Office thereby eliminating paper delivery;
 - (ii) The packet will be delivered to individuals requesting notice, via GovDelivery, of proposed rulemaking; and
 - (iii) Individuals will be able to immediately comment on the proposed rules by using the public comment link available on the Administrative Rules System.
- (c) Rules that propose to amend existing rules shall be prepared in the following format:
 - (i) New language being added shall be underscored;

(ii) Deletions of existing language shall be shown by striking through the deleted language;

(iii) If amendments are pervasive, strike and underscore are not required, but are still preferred. If strike and underscore are not used:

(A) Approval from the Attorney General's Office must be stated on the Notice of Intent form; and

(B) The Statement of Reasons or other accompanying documents must clearly show the type of changes made and specifically include all substantive deletions and additions with appropriate citations to the sections affected.

Section 2. Process for Filing Final Rules.

(a) Final rules must be submitted for filing with the Registrar of Rules within seventy-five (75) days of the date the rules are adopted.

(b) Following adoption, an agency finalizing rules shall use the Wyoming Administrative Rules System to submit their final rules consisting of:

(i) Final Rules Packet PDF containing the:

(A) Certification page for regular and emergency rules bearing the signature of the agency, commission, or board authorized individual;

(B) Statement of principal reasons for adoption of rules;

(C) Summary of comments and responses;

(D) Clean copy of the each chapter of final rules; and

(E) Strike and underscore copy of each chapter of final rules.

(ii) Word (.docx) clean copy of each final chapter of rules.

(c) If no comments were received, the Summary of comments should indicate such.

(d) After the Governor has signed the Certification Page, the Attorney General's Office shall deliver the Certification Page to the Registrar of Rules for filing.

(e) Rules are not officially filed until:

(i) The certification page bearing the Governor's signature has been delivered to the Registrar of Rules; and

(ii) The rules have been processed and made available to the public on the Administrative Rules System.

(f) When the Governor line-item vetoes all or any portion of a rule, the agency shall modify the final rules document(s) by removing the vetoed content. The revised final copy of the rule(s) shall be emailed to the Registrar of Rules at Rules@wyo.gov.

Section 3. Non-Substantive Corrections Explanation of Changes

(a) After filing rules with the Registrar of Rules, an agency may not file changes to the rules due to typos, errors or reorganization of text unless there is clearly no change of meaning. Moving text from one chapter to another (under this Section) is disallowed. Agencies shall consult with their Attorney General representative regarding whether non-substantive changes to the rules may be filed.

(b) Subsection (a) notwithstanding, an agency may, with the Attorney General's concurrence, amend a rule without prior notice or hearing if the amendment is solely for the purpose of:

(i) Changing the name of an agency by reason of a name change prescribed by law;

(ii) Correcting spelling and grammatical mistakes in a manner that does not alter the scope, application or meaning of the rule;

(iii) Correcting statutory or rule references; or

(iv) Correcting addresses, telephone numbers, website or email addresses.

(c) Any rules that are submitted to the Registrar of Rules pursuant to this Section 3 shall:

(i) Be submitted electronically to the Registrar of Rules at Rules@wyo.gov.

(ii) Include the PDF of the Non-Substantive Corrections Explanation of Changes form bearing the signature of the agency, commission, or board authorized individual as well as the Attorney General representative; and

(iii) Contain the entire chapter of the corrected rules and be provided in a Word (.docx) format.

Section 4. Emergency Rules

(a) Format. Emergency rules shall follow the same format as regular rules as set forth in Chapter 2 with the following addition:

(i) Emergency Rules shall, in boldface and underlined type, include the following statement directly below the Chapter Title:

“Emergency rules are in effect no longer than 120 days after filing with the Registrar of Rules.”

(b) Duration. Emergency rules are temporary rules and are not current rules.

(i) An emergency rule shall not be in effect for longer than 120 days from the date filed with the Registrar of Rules. On the 121st day the emergency rule expires and the pre-existing current rule, if any, returns to force and effect; unless:

(A) A regular rule is filed with the Registrar of Rules to replace the emergency rule prior to its expiration; or

(B) Another emergency rule, identical or not, is adopted by the agency, signed by the Governor, and filed with the Registrar of Rules to replace the first emergency rule; however,

(I) Identical or substantially similar emergency rules shall in no case be effective for a total period exceeding two hundred forty (240) days from the date first filed with the Registrar of Rules.

(ii) Emergency rules shall bear the endorsement of the Governor before the Registrar of Rules may file the Emergency rule.

(iii) Emergency rules are adopted without notice or opportunity for public comment.

(iv) Emergency rules temporarily amend or repeal current rules or temporarily create a rule where none existed.

(c) An agency filing emergency rules shall use the Wyoming Administrative Rules System to submit their emergency rules consisting of:

(i) Emergency Rules Packet PDF containing the:

(A) Certification page for regular and emergency rules;

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- (C) Clean copy of each emergency rule chapter; and
- (D) Strike and underscore copy of each emergency rule chapter.
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(e) Rules are not officially filed until:

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(f) When the Governor line-item vetoes all or any portion of a rule, the agency shall modify the final rules document(s) by removing the vetoed content. The revised final copy of the rule(s) shall be emailed to the Registrar of Rules at Rules@wyo.gov.

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- (c) Rules that propose to amend existing rules shall be prepared in the following format:

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 - (ii) Word (.docx) clean copy of each final chapter of rules.
- (c) If no comments were received, the Summary of comments should indicate such.
- (d) After the Governor has signed the Certification Page, the Attorney General's Office shall deliver the Certification Page to the Registrar of Rules for filing.
- (e) Rules are not officially filed until:

(i) The certification page bearing the Governor's signature has been delivered to the Registrar of Rules; and

(ii) The rules have been processed and made available to the public on the Administrative Rules System.

(f) When the Governor line-item vetoes all or any portion of a rule, the agency shall modify the final rules document(s) by removing the vetoed content. The revised final copy of the rule(s) shall be emailed to the Registrar of Rules at Rules@wyo.gov.

Section 3. Non-Substantive Corrections Explanation of Changes

(a) After filing rules with the Registrar of Rules, an agency may not file changes to the rules due to typos, errors or reorganization of text unless there is clearly no change of meaning. Moving text from one chapter to another (under this Section) is disallowed. Agencies shall consult with their Attorney General representative regarding whether non-substantive changes to the rules may be filed.

(b) Subsection (a) notwithstanding, an agency may, with the Attorney General's concurrence, amend a rule without prior notice or hearing if the amendment is solely for the purpose of:

(i) Changing the name of an agency by reason of a name change prescribed by law;

(ii) Correcting spelling and grammatical mistakes in a manner that does not alter the scope, application or meaning of the rule;

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(ii) Include the PDF of the Non-Substantive Corrections Explanation of Changes form bearing the signature of the agency, commission, or board authorized individual as well as the Attorney General representative; and

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(A) A regular rule is filed with the Registrar of Rules to replace the emergency rule prior to its expiration; or

(B) Another emergency rule, identical or not, is adopted by the agency, signed by the Governor, and filed with the Registrar of Rules to replace the first emergency rule; however,

(I) Identical or substantially similar emergency rules shall in no case be effective for a total period exceeding two hundred forty (240) days from the date first filed with the Registrar of Rules.

(ii) Emergency rules shall bear the endorsement of the Governor before the Registrar of Rules may file the Emergency rule.

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(iv) Emergency rules temporarily amend or repeal current rules or temporarily create a rule where none existed.

(c) An agency filing emergency rules shall use the Wyoming Administrative Rules System to submit their emergency rules consisting of:

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